

(S E R V E D)  
(AUGUST 10, 1987)  
(FEDERAL MARITIME COMMISSION)

FEDERAL MARITIME COMMISSION

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SPECIAL DOCKET NO. 1553

APPLICATION OF LYKES BROS. STEAMSHIP CO., INC.  
FOR THE BENEFIT OF WORLD FOOD PROGRAMME

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ORDER ON REMAND

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The Commission has determined to review the Initial Decision ("I.D.") of Administrative Law Judge Charles E. Morgan ("Presiding Officer") in the above-captioned proceeding. The Presiding Officer granted applicant Lykes Bros. Steamship Co., Inc. ("Lykes") permission to waive collection of a total of \$2,427,924.93 of the applicable freight charges on three shipments of flour, shipped for charitable purposes, to Casablanca and Tangier, Morocco.

The Presiding Officer concluded that there was an error due to inadvertence in failing to file a new tariff, pursuant to 46 C.F.R. § 502.92(a)(1)(ii). The sole basis for this conclusion was that Lykes' affiant, Pricing Analyst Wayne E. Wegmann, declared that Ronald Burkhardt, Assistant Traffic Manager, failed to notify the conference to which Lykes belonged, the U.S. Atlantic and Gulf Ports/Eastern Mediterranean and North African Freight Conference, of the intended tariff rate. The Presiding Officer noted:

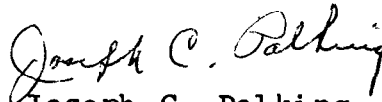
Inadvertently the agreed rates were not communicated by Lykes to the Conference for timely filing.

I.D. at 3.

Despite the fact that Lykes' application is submitted under sworn statement, the Commission is not entirely satisfied that the nature and cause of the alleged administrative error have been adequately addressed. An attempt should be made to obtain further evidence of the error, to enable the Commission to make an informed decision as to the merit of the application. See Special Docket No. 534, Cutler-Hammer Denver v. Lykes Bros. Steamship Co., Inc., Order on Remand, 20 F.M.C. 494, n. at 495 (1978).

THEREFORE, IT IS ORDERED, That this proceeding is remanded to the Presiding Officer for the purpose of allowing the parties an additional opportunity to furnish evidence of the nature described herein, and for issuance of a supplemental initial decision within 45 days of the date of this Order.

By the Commission.

  
Joseph C. Polking  
Secretary